

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers Thursday, December 14, 2000, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS **Bogue**, Fish, Halliday, Sacks, Thnay, Williams, **Zermeño**
CHAIRPERSON Caveglia
Absent: COMMISSIONER None

Staff Members Present: Anderly, **Conneely**, Garcia, Looney, Patenaude

General Public Present: Approximately 20

PUBLIC COMMENT

Chairperson Caveglia welcomed new Commissioner Thnay to the meeting. He said they appreciated having a full complement of commissioners.

There were no other public comments.

AGENDA

1. **Use Permit 00-160-19 – Yemane Tsegay (Applicant) / Alfred Antonini (Owner):**
Request to Establish a Jazz/Dance Facility Within an Existing Commercial Building – The
Property is Located at 1004 B Street at Main Street in a CC-P/C (Central City – Plaza/Commercial) District

2. **Text Change Application 00-140-02 – Michael Bradley, Avis Rent-A-Car (Applicant):**
Request for a Text Amendment to Allow Car Rental Agencies as an “Administrative Conditional Use” in Neighborhood Commercial (CN) Zoning Districts

Administrative Use Permit Application 00-150-37 – Michael Bradley, Avis Rent-A-Car (Applicant) / Toro Development Company (Owner): Request to Allow a Car Rental Agency in Fairway Park Shopping Center

3. **Appeal of Denial of Administrative Use Permit and Parking Exceptions Application No. 00-150-36 – Tonja Wiimamson (Applicant) / Willie and Barbara Merritt (Owners):**
Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations to Reduce the Required Number of On-site Parking Stalls to 4 Where 6 are Required, and to Allow. Vehicles to Back into the Street (Forward Motion Required) – ***The Property is located at 694 Corrine Street, at the Northwest Corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District***

PUBLIC HEARINGS

- 1. Use Permit 00-160-19 – Yemane Tsegay (Applicant) / Alfred Antonini (Owner):**
Request to Establish a Jazz/Dance Facility Within an Existing Commercial Building – *The Property is Located at 1004 B Street at Main Street in a CC-P/C (Central City – Plaza/Commercial) District*

The item was continued at the request of the applicant.

- 2. Text Change Application 00-140-02 – Michael Bradley, Avis Rent-A-Car (Applicant):**
Request for a Text Amendment to Allow Car Rental Agencies as an “Administrative Conditional Use” in Neighborhood Commercial (CN) Zoning Districts

Administrative Use Permit Application 00-150-37 – Michael Bradley, Avis Rent-A-Car (Applicant) / Toro Development Company (Owner): Request to Allow a Car Rental Agency in Fairway Park Shopping Center

Planning Manager Anderly described the location and the application and indicated that a change in the zoning text would be needed. She asked the Commission to approve both applications concurrently in order to save time for the applicant. She said the usual problem of parking for the rental cars is not in evidence in this case since there is nominal parking in the rear of the stores. This is an overflow area, which is seldom used. The Avis business would use fifteen stalls to store the rental cars. Customers would enter the front of the store to fill out paperwork, then proceed to the rear to pick up a car. She noted that the Fairway Park Neighborhood Association comments and conditions had been applied to the Conditions of Approval for the business, with the exception of the hours of operation. Staff allowed the hours to be extended to 7:30 a.m. and 6:00 p.m. in order to allow customers needing autos the extra time to make arrangements around work schedules. The business would take advantage of the two car wash operations nearby to clean out cars for customer use. There would be no maintenance at the site of the business.

The Public Hearing Opened at **7:48** p.m.

Ron Peck, 1260 B Street #350, speaking for the applicant, described a number of locations where car rental agencies had gone into neighborhoods for the convenience of customers. He said this is a trend in this business and Hayward should step forward toward accepting this reality. He noted that the U-Haul business is not authorized at this shopping center. This business is asking permission. The business would take advantage of the two car wash operations nearby to clean out cars for customer use. There would be no maintenance at the site of the business.

Yvonne Critzer, 26937 Halifax Place, representing the owners of the shopping center, described other shopping centers with Avis in them, which seem to function very well. She said the **signage** is provided by the shopping center. Any other signs will have to go through the City permit process.



William Weller, 28564 Cole Place, speaking for the Fairway Park Homeowners Association, said most of their concerns were covered in the Conditions of Approval. However, he expressed concern about security at the site. He indicated that perhaps the cars should be fenced in somehow, just to protect them from graffiti and physical damage.

Michael Bradley, 790 Sunset Avenue, Suisun, applicant, said security should not be a problem in this kind of neighborhood. He said they would go with what they have presented at this point. He responded to Commissioner Bogue's questions about using the car wash for cleaning the cars. He said ideally they would like to clean out the cars on site, but with the proximity of both car wash facilities, there should be no problem.

Chairperson Caveglia closed the public hearing at 7:58 p.m.

Commissioner Williams said staff had covered most of his concerns. He suggested Avis might want to look at the security precautions taken by the car lots along Mission. He **moved**, seconded by Commissioner Sacks, the staff recommendation.

Commissioner Halliday confirmed that condition 7, from the Fairway Park Neighborhoods Association could not be met: It would require an annual review for conformity of business conditions. She was told that any problems could be brought to the City for investigation by anyone who might be affected.

Commissioner Thnay said he thought this would be a good addition to the Fairway Park neighborhood. He suggested that the businesses in the Center be notified of which of the 15 spaces would be used by Avis. They might even be marked for Avis only.

Commissioner **Zermeño** said this would be good for south Hayward.

Commissioner Sacks suggested the applicant do a general notification for businesses in the area. She added that this would be a fine addition to the City.

Ms. Critzer added that the shopping center would paint spaces marking the Avis area.

The motion passed unanimously.

- 3. Appeal of Denial of Administrative Use Permit and Parking Exceptions Application No. 00-150-36 – Tonja Williamson (Applicant) / Willie and Barbara Merritt (Owners):**
Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations to Reduce the Required Number of On-site Parking Stalls to 4 Where 6 are Required, and to Allow Vehicles to Back into the Street (Forward Motion Required)
– The Property is located at 694 Corrine Street, at the Northwest Corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District

Planning Manager Anderly made the staff report, explaining that the Use Permit is required for a facility having up to 24 children asking for an exception to parking requirements. Staff received 11 calls and letters asking for a denial, as well as a letter from the Fairway Park Neighborhood Association. The Planning Director denied the application citing that parking, traffic and noise were factors. She said changes to the building have already been made but more would have to be made.

Chairperson Caveglia asked what the City would require if the home had 14 children. He was told that the City would require State licensing which would take care of the requirements.

Commissioner Williams asked about the fencing as well as the egress **from** the driveway. With children around, backing up can be a problem. He then asked whether their having 14 children would dismiss the parking requirement. He was told it would, however, the fencing requirement would remain.

The Public Hearing Opened at 8: 17 p.m.

Tonja Williamson, 694 Corrine Street, the applicant asserted that the parents drop children off at varying times and would not create confusion. She maintained that she does live in the house. One of the reasons for her application is that children at **Treeview** School are not offered any before and after school recreation or programs. She said the State has approved her location for 24 children and asked for approval of the service she would be providing. She indicated that she is now serving eight children at her present facility.

Commissioner Thnay asked how many complaints had been received from the 22 homes directly impacted from her street. He suggested that if they could mitigate the movement of the cars so that they would not disturb the neighbors, this could be a good thing.

Ms. Williamson said that Community Care Licensing would be informed if there were complaints. She said she does her best not to impose on her neighbors.

William Baptista, 699 Corrine Street, a neighbor, said his major concern is traffic safety. There is no stop sign on Corrine Street, so there is no way of slowing down the cars that come down the hill. Parents leaving Ms. Williamson's home would be backing into a blind curve area. He suggested the need for more parking for employees and additional staff. The people who bought their homes on this street did not expect a **ChildCare** Center on the corner.

William Weller, 28564 Cole Place, speaking for the **Fairview** Homeowner's Association, said **the** traffic coming down Chicoine is fast and dangerous. Cars backing up out of Corrine Street are in the position to get hit. He suggested taking the Center to Fairway Park Shopping Center and renting one of the vacant spaces there.

Evelyn Cormier, 3120 Carroll Avenue, said she was troubled by that large a facility in a residential neighborhood. There does not seem to be adequate space for what is needed. She noted that there is a Church nearby which offers a kindercare program. She said this is not appropriate at this site.

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Rosemary Martinez, 31280 Chicoine Avenue, said she lives directly across the street and can attest that traffic is a blind spot on this corner. They did not want to live by a school. They bought into a quiet, residential neighborhood.

Cecilia Miskie, 31251 Chicoine Avenue, brought a petition with 93 signatures protesting the application at this location. She agreed that, already, traffic is an issue in their neighborhood. She commented that there are no signs of anyone living in this home at night or during the weekends. There are a number of things going on at the house that they do not trust, i.e., building without permits, etc.

Janis Silberhorn, 675 Corrine Street, has lived in her house in the neighborhood since 1973 and commented that the present house under consideration has only had one owner since that time. She recognized that the area is changing but she would object to putting a business on this street. It's too dangerous for children. She said she would not object to 14 children but 24 are too many. This is a very nice residential neighborhood.

Erica Johnson, Treeview, said she runs another **daycare** on her own street. Since **Treeview** Elementary has no day care program, she said she went into childcare. She noted that she has known Ms. Williamson for a number of years and can say that her present establishment is a very high quality center. This is a much needed community service.

Kirk Kasberg, 31220 Chicoine Avenue, described the danger of the traffic. He said speed bumps and stop signs are not that easy to get. He also commented that no one appears to be living in the house.

Bob Martinez, 31280 Chicoine Avenue, said there is a stop sign at Corrine and Mission that no one ever stops at. It is a dangerous corner.

Gary Schellenberg, 693 Corrine Street, said he lives directly across the street. He never sees cars at the house in the evening and at weekends. He discussed the disturbance 24 children would make to the neighborhood. This is a quiet street and the childcare center would be an imposition on the neighborhood.

Commissioner Williams commented that everyone talks about the traffic coming down the hill, and asked whether anyone has tried to get speed bumps or a stop sign for traffic calming in the neighborhood. Several members of the audience said they had tried numerous times, but it is not that easy.

Minane **Jameson**, 31544 Chicoine Avenue, said she has great sympathy for the people who live in that neighborhood. People think they are **gettins** what they bought. Traffic would be an issue. She noted that the Fire Department does not like speed bumps. This proposal is too big for this neighborhood and that house.

Ms. Williamson responded by saying that this is her home and traffic is not an issue. She added that she does not know what it would be like with 24 children either.

The Public Hearing was Closed at 9:07 p.m.

Commissioner **Zermeño** moved, seconded by Commissioner Bogue, to deny the appeal.

Commissioner Bogue added that this was a business and not appropriate in a residential neighborhood.

Commissioner Halliday said she would be supporting the motion but emphasized that this does not mean she is not supportive of childcare. She would support a proposal for 14 children, allowed by the State. She indicated that with the apparent danger to the children, she could not take this responsibility.

Commissioner Sacks said she, too, would support the motion adding that it is sad that there is not more and better childcare in the community. She said she appreciated the neighbors who showed up, stressing the overwhelming nature of too many children. She also noted the danger of traffic.

Commissioner Williams said he had mixed feelings about the proposal. There is a need to be served, but 24 children at this location may be too many. The traffic is not a major issue to him. He said he would reluctantly support the motion.

Chairperson Caveglia noted the 93 names on the petition. He said neighbors are always contentious. He added that there seem to be no complaints about the present situation.

The motion passed 6:1, with Chairperson Caveglia voting “No.”

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Manager Anderly reported that the plans and specs for Blue Rock Country Club had come in so the Commission would be hearing those shortly.

5. Commissioners’ Announcements, Referrals

Chairperson Caveglia complained about the trucks coming down the hill on Carlos Bee Boulevard. He discussed a truck turnover, which spilled a lot of fill near the intersection of Mission.

Commissioner Sacks brought attention to the construction on Folsom between Ruus and Huntwood, where a ditch is not covered over properly.

Commissioner Thnay thanked the Mayor and members of the City Council for the opportunity

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to serve the citizens of the City of Hayward. He added a quotation from Martin Luther King.

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- November 16, 2000 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 9:24 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary